

(Excerpts from a June 3, 2003, presentation by Lydia Wegman, Tom Helms, and Joe Paise and a May 6/2, 2003, presentation by John Silvasi)

Designations And Implementation Issues for the 8-Hour Ozone and PM_{2.5} Standards



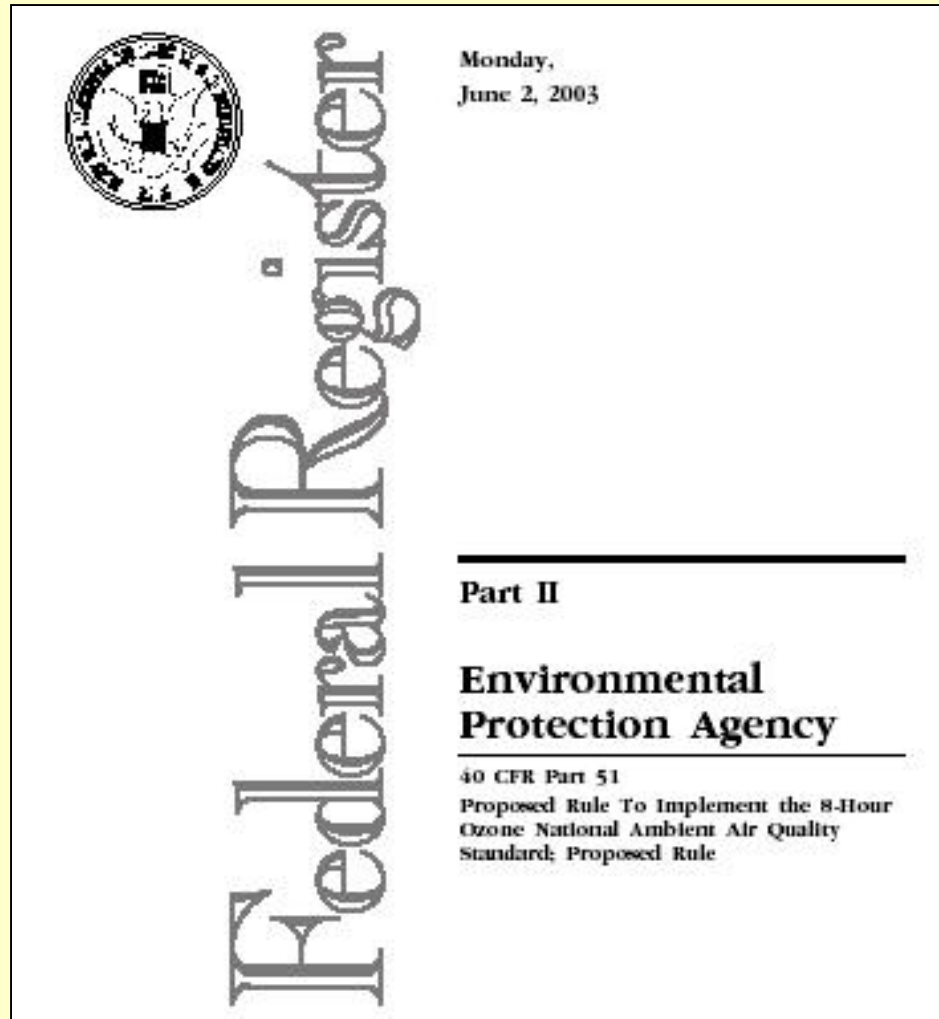
June 3, 2003

*Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency*

Timelines for 8-Hour Ozone and PM2.5 Implementation Programs

Action	Ozone	PM2.5
EPA proposes implementation rule	June 2003	Fall 2003
States/Tribes recommend designations	July 2003	Feb. 2004
EPA responds with letters describing intended “modifications”	Oct. 2003	July 2004
EPA finalizes implementation rule	Dec. 2003	Fall 2004
EPA finalizes designations	April 2004	Dec. 2004
State plans due	April 2007	Dec. 2007*
Attainment dates	2007-2021	2009-2014

** Regional haze SIPs will be due at the same time that PM2.5 SIPs are due.*



A quick review of EPA's June 2, 2003
eight-hour ozone rule proposal



8-hour ozone implementation rule proposal ...



8-hr proposal topics for discussion ...

- **Measures required and timing for attainment**
 - **Subpart 1 vs subpart 2— account for Supreme Court ruling**
 - **Two proposals for comment**
- **Transition ...1-hour to the 8-hour O₃ NAAQS**
- **Anti-backsliding provisions**
- **Long-range transport**

Title I, Part D has Subparts 1 and 2 dealing with ozone ...



Why is the subpart 1 vs 2 issue important for ozone nonattainment planning

- Subpart 1 ... more flexible, minimal mandated controls
- Subpart 2 ... proscriptive
- Section 181 of Subpart 2 “classifications” and varying attainment dates

TITLE I – AIR POLLUTION PREVENTION AND CONTROL

Part D – Plan Requirements for Nonattainment Areas

SUBPART 1 - Nonattainment Areas in General

[Sec. 171. Definitions.](#)
[Sec. 172. Nonattainment plan provisions.](#)
[Sec. 173. Permit requirements.](#)
[Sec. 174. Planning procedures.](#)
[Sec. 175. Environmental protection agency grants.](#)
[Sec. 175A. Maintenance Plans.](#)
[Sec. 176. Limitation on certain federal assistance.](#)
[Sec. 176A. Interstate Transport Commissions.](#)
[Sec. 177. New motor vehicle emission standards in nonattainment areas.](#)
[Sec. 178. Guidance documents.](#)
[Sec. 179. Sanctions and consequences of failure to attain.](#)
[Sec. 179B. International border areas.](#)

SUBPART 2 - Additional Provisions for Ozone Nonattainment Areas

[Sec. 181. Classifications and attainment dates.](#)
[Sec. 182. Plan submissions and requirements.](#)
[Sec. 183. Federal ozone measures.](#)
[Sec. 184. Control of interstate ozone air pollution.](#)
[Sec. 185. Enforcement for Severe and Extreme ozone nonattainment areas for failure to attain.](#)
[Sec. 185A. Transitional areas.](#)
[Sec. 185B. NO_x and VOC study.](#)

Different requirements under subpart 1 compared to subpart 2—need to address Supreme Court ruling

- **Subpart 1 (general provisions)**

- Attainment demonstration
- Reasonably available control measures (RACM)
- Reasonably available control technology (RACT)
- Reasonable further progress (RFP)
- New source review (NSR) requirements
- Conformity

- **Subpart 2 (specific provisions)**

- Attainment demonstration
- I/M program
- Reformulated gas for some areas
- Specific reasonably available control technology for VOC and NO_x
- RFP (3% per year)
- Specific NSR source size thresholds and offset ratios
- Conformity



2 options proposed ... ozone ... EPA favors the 2nd ...

Reconciling Subparts 1 and 2

- **Option 1—All areas are under Subpart 2**
 - **Classify 8-hour nonattainment areas based on 8-hour design values**
 - **In general, areas classified under subpart 2 would need to meet subpart 2 requirements and would have different max. attainment dates consistent with subpart 2 provisions, i.e., 2007, 2010, 2013, 2019.**

2 options proposed ... ozone ... EPA favors the 2nd ...

Reconciling Subparts 1 and 2

- Option 1—All areas are under Subpart 2
 - Classify 8-hour nonattainment areas based on 8-hour design values
 - In general, areas classified under subpart 2 would need to meet subpart 2 requirements and would have different max. attainment dates consistent with subpart 2 provisions, i.e., 2007, 2010, 2013, 2019.
- Option 2—Separate areas based on whether they meet the 1-hour standard
 - Regulate areas generally meeting the 1-hour standard under Subpart 1 (max attainment dates 5 or 10 years after designation)
 - Regulate areas generally exceeding the 1-hour standard under Subpart 2

Incentive Feature also proposed

O3 proposal creates a new “Table 1” to “classify” NA areas and provide attainment dates

TABLE 2 TABLE 1 OF SUBPART 2 1-HOUR OZONE CLASSIFICATION TABLE TRANSLATION TO 8-HOUR DESIGN VALUES					
Area class		CAA design value thresholds 1-hour ozone ppm	% above 1-hour ozone NAAQS	Translated 8-hour design value thresholds ppm ozone	Primary standard attainment date—years after enactment (1- hour std)**
Marginal	from	0.121	0.833	0.085*	3 years
	up to	0.138	15.000	0.092	
Moderate	from	0.138	15.000	0.092	6 years
	up to	0.160	33.333	0.107	
Serious	from	0.160	33.333	0.107	9 years
	up to	0.180	50.000	0.120	
Severe-15	from	0.180	50.000	0.120	15 years
	up to	0.190	58.333	0.127	
Severe-17	from	0.190	58.333	0.127	17 years
	up to	0.280	133.333	0.187	
Extreme	equal to or above	0.280	133.333	0.187	20 years

* The table's lowest value reflects the lowest nonattaining value, viz., 0.085 ppm.

**For 8-hr ozone standard, EPA proposing to interpret the maximum period for attainment starting from date of designation.



Transition/Anti-Backsliding—Areas Designated *Nonattainment* under the 8-hour Standard—Proposal

- All areas designated 8-hr nonattainment remain subject to certain obligations that applied by virtue of the area's classification for the 1-hour standard (e.g., where the area's 1-hour classification was higher than classification for the 8-hour standard)
- Subpart 2 obligations include major source thresholds, inspection/maintenance programs and fuel programs.
- NO_x SIP call requirements would also be retained under EPA proposal.
- Obligations would not apply to portions of an 8-hour ozone nonattainment area that was not a part of a 1-hour ozone nonattainment area.
- EPA is soliciting comment on: Should areas that have not met a 1-hour planning obligation (e.g., attainment demonstration or ROP plan) remain subject to that obligation? (e.g., due to past failure or a recent bump-up)

Transition/Anti-Backsliding–Mechanism to Effect the Transition from the 1-hour to the 8-hour Standard

Option 1: Complete revocation of the 1-hour standard *(our preferred option)*

- EPA would revoke the 1-hour standard and the associated designations and classifications 1 year following the effective date of the designations for the 8-hour NAAQS.
- Anti-backsliding provisions would still apply.

Transition/Anti-Backsliding—Mechanism to Effect the Transition from the 1-hour to the 8-hour Standard

Option 2: Partial revocation of 1-hour standard.

- **EPA would retain the 1-hour standard and its associated designations and classifications for limited purposes (those discussed above under anti-backsliding) until the area meets the 1-hour standard.**
 - **Obligations include subpart 2 requirements, including major source thresholds, inspection/maintenance programs and fuel programs, plus NO_x SIP call requirements.**
- **For all remaining purposes, EPA would revoke the 1-hour standard and the associated designations and classifications 1 year after the effective date of designations for the 8-hour standard.**

What else is in the June 2nd proposal?

O₃ Proposal also addresses...

- **Attainment dates**
- **Mandatory controls**
- **Other ozone transport issues**
- **Modeling & attainment demonstrations**
- **Reasonable further progress requirements**
- **Reasonably available control measures/technology**
- **Conformity**
- **Optimizing controls for ozone and PM**
- **New Source Review**
- **Tribal issues**
- **Early reduction programs**



(some of these are only discussed, with no proposed rule)